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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

5/18/2017 12:51 pm

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UNITED STATES OF AMERICA,

U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE

-against-

**ORDER**  
16-CR-540 (JMA)

EDWARD MANGANO,  
LINDA MANGANO, and  
JOHN VENDITTO,

Defendants.

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**AZRACK, United States District Judge:**

On May 16, 2017, one of the defendants in this case filed an ex parte letter requesting that the Court “so order” certain subpoenas pursuant to Federal Rule of Criminal Procedure 17(c).

“A party seeking the enforcement of a subpoena ‘must show: (1) that the documents are evidentiary and relevant; (2) that they are not otherwise procurable reasonably in advance of trial by exercise of due diligence; (3) that the party cannot properly prepare for trial without such production and inspection in advance of trial and that the failure to obtain such inspection may tend unreasonably to delay the trial; and (4) that the application is made in good faith and is not intended as a general fishing expedition.’” United States v. Conway, 615 F. App’x 46, 48 (2d Cir. 2015) (quoting United States v. Nixon, 418 U.S. 683, 699–700 (1974) (footnote and internal quotation marks omitted)). Thus, “[u]nder Nixon, a party moving for a pretrial Rule 17(c) subpoena, ‘must clear three hurdles: (1) relevancy; (2) admissibility; (3) specificity.’” United States v. Cuti, 528 F. App’x 84, 86 (2d Cir. 2013) (quoting Nixon, 418 U.S. at 700).

The defendant has failed to make the requisite showing under Nixon. Accordingly, the Court denies the defendant's application and declines to "so order" the subpoenas.

**SO ORDERED.**

Dated: May 18, 2017  
Central Islip, New York

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/s/ (JMA)  
JOAN M. AZRACK  
UNITED STATES DISTRICT JUDGE